

NEW YORK CITY DEPARTMENT of HEALTH and MENTAL HYGIENE

WINDOW GUARD GENERAL INFORMATION

OVERVIEW:

Approved window guards are required to be provided, installed and maintained by the owners, managers, or agents of multiple dwellings (three (3) apartments or more), in apartment and public hallway windows where children ten (10) years of age or younger reside. Exceptions are:

1. Windows that provide access to fire escapes.
2. Secondary egress windows in first floor apartments where there are fire escapes on upper floors.

It shall be the duty of each person who manages or controls a multiple dwelling to ascertain whether a child in the protected age category resides therein, and to comply with the requirements of the law accordingly.

APPROVED WINDOW GUARDS:

1. Approved window guards must be made of rigid metal and be a minimum of 15 inches tall with 3 or more horizontal bars spaced so that they reject the passage of a five (5) inch sphere. Spaces between the horizontal bars should be no more than 4½ inches wide.
2. The Manufacturer's approval number must be imprinted on a vertical stile of the guard. For example: HDWG # 03-77-15. The number must be listed on the Approval List of Manufacturers and Model Numbers, distributed by the Department of Health and Mental Hygiene (DOHMH).
3. Guards must be appropriate for the type of window in which they are installed: double hung, casement, slider, etc. When the installation of an approved DOHMH window guard is infeasible for structural reasons, a request for a variance must be submitted in writing for review by the Window Guard Policy and Acceptance Board.
4. A landlord or manager must produce a supporting letter from the Window Guard Policy and Acceptance Board if a variance is claimed as having been granted.

SELECTIVE INSTALLATION:

Window Guards may not be installed selectively. They must be installed in all windows, including but not limited to windows leading to a terrace or balcony, bathroom windows and first floor apartment windows.

HALLWAY WINDOWS:

All windows in public hallways and common areas on all floors must be guarded.

PROPER INSTALLATION:

1. Window guards that have been approved by DOHMH must be firmly and securely fastened into well maintained, sturdy and structurally sound (not rotten) window frames using tamper-proof screws.
2. DOHMH approved guards have a "HDWG #" approval number stamped on the guard, are made of rigid metal, have at least 3 horizontal bars and are at least 15 inches tall.
3. Tamper-proof and "one-way" screws must be used for installing guards. These screws cannot be removed with any ordinary slotted head or Phillips head screw driver.
4. There may be no more than 4½ inches of open, unguarded space anywhere in the window aperture.
5. Approved "stops" must be installed in the tracks of the window so that the lower sash cannot be raised more than 4½ inches above the lower half of the top horizontal bar of the guard. Rigid metal "L" shaped stops or "blocks" must be installed on both sides of the window track to ensure that when the window is open the space between the window guard and the open window is not greater than 4½ inches.

6. If an approved guard is used and there are no open, unguarded spaces greater than 4½ inches when the window is opened fully then no stops are necessary.

AIR CONDITIONERS:

Air conditioners which are installed in a window that would otherwise be required to be fitted with a window guard must be permanently installed. Permanent installation of air conditioners includes the following:

1. The air conditioning unit must be permanently bolted into the window. There shall not be any unguarded spaces greater than 4½ inches on either side of or above the air conditioner. Spaces greater than 4½ inches must be covered with rigid metal panels that can withstand 150 lbs of pressure instead of accordin panels.
2. Two metal "L" shaped stops are to be installed, one in each sash, on either side of the window to prevent any unguarded space above the air conditioner from being greater than 4½ inches. If the air conditioner meets with the lower window panel, "L" shaped stops are not necessary.
3. One-way sheet metal screws or metal tamper resistant screws must be used to anchor the accordion extensions of the air conditioner to the window frame.

PURSUANT TO HEALTH CODE SECTION 131.15 (revised 10/2007):

1. Tenants must advise landlords or management at once, in any written form or by the forms required to be distributed on a yearly basis by the landlord (Appendix B), that they have children in the designated age category and must have window guards provided, installed and maintained.
2. Tenants or occupants must respond to mandated inquiries by their landlords as to their window guard needs.
FAILING TO RESPOND IS A VIOLATION OF THE LAW!
3. If tenants or residents want window guards for any reason, even though they have no resident children in the age group, they should request them in writing and they shall not be refused. For example: Grandprents who have visiting children, parents who have temporary or intermittent custody of a child, or if child-care is provided by the tenant.
4. Tenants may not refuse installation of window guards if they have a resident child 10 years of age or younger. There is no option to this requirement.
5. Tenants or occupants must also provide access and permit installation of guards and stops where required.
NOT PROVIDING ACCESS OR ALLOWING INSTALLATION IS A VIOLATION OF THE LAW!
6. Landlords may not impose any type of pre-condition relative to pass-along fees or any other psychological deterrent, preliminary to the installation of window guards.
7. Window Guards may not be removed or modified by the tenant after installation.

The New York State Division of Housing and Community Renewal has established the following scale of a pass-along fee for "rent controlled" and "rent stabilized" apartments which may be imposed one month after the installation of window guards: a one time \$10.00 per window guard maximum fee which may be pro-rated or amortized over a period of one year, two years, three years, in equal monthly payments according to the option elected by the tenant. If further information is needed regarding the charge of window guards, please call The New York State Division of Housing and Community Renewal at (718) 739-6400.

Tenants who receive public assistance, Section 8 subsidies, are beneficiaries of Senior Citizen Rent Increase Exemptions (SCRIE), Supplemental Security Income (SSI) or State Payment under Section 209 of the Social Service Law, are not required to pay these pass-along fees out-of-pocket. Landlords must provide the tenant with a bill not to exceeding \$10.00 per guard and the tenant should submit the bill to the subsidizing agency. In New York City Housing Authority (NYCHA) buildings or in buildings owned by the New York City Department of Housing Preservation and Development (HPD), there are no pass-along fees.

If window guards have not been installed, or they appear to be improperly installed, are shaky, or have more than 4½ inches of open, unguarded space in between the horizontal bars or above or below the guard, a complaint should be made immediately to the New York City Citizens Service Center at 311.

If you received a Commissioner's Order to Abate Nuisance and or a violation and need further assistance, require additional information, want to obtain a copy of the law, including specifications pertaining to window guard installation, or procedures for applying for a variance, the New York City Citizens Service Center at 311.

Are Your Window Guards Installed Safely?

WINDOW GUARDS ARE INSTALLED . . .

- ... permanently, in the lower half of the outside track of a double-hung window, $4\frac{1}{2}$ inches or less above the window sill
- ... with 4 one-way screws and 2 "L" brackets (stops).

Stops must be screwed into each side of the upper window track (with one-way screws).

When the lower window is stopped from being raised more than $4\frac{1}{2}$ inches above the top bar of the guard, your child *cannot* fall out.

This is an approved window guard installed safely

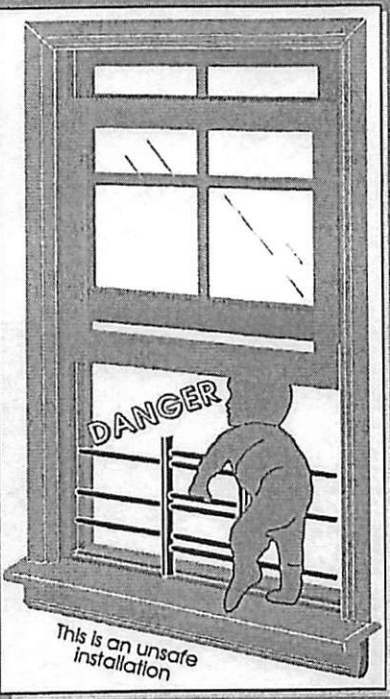
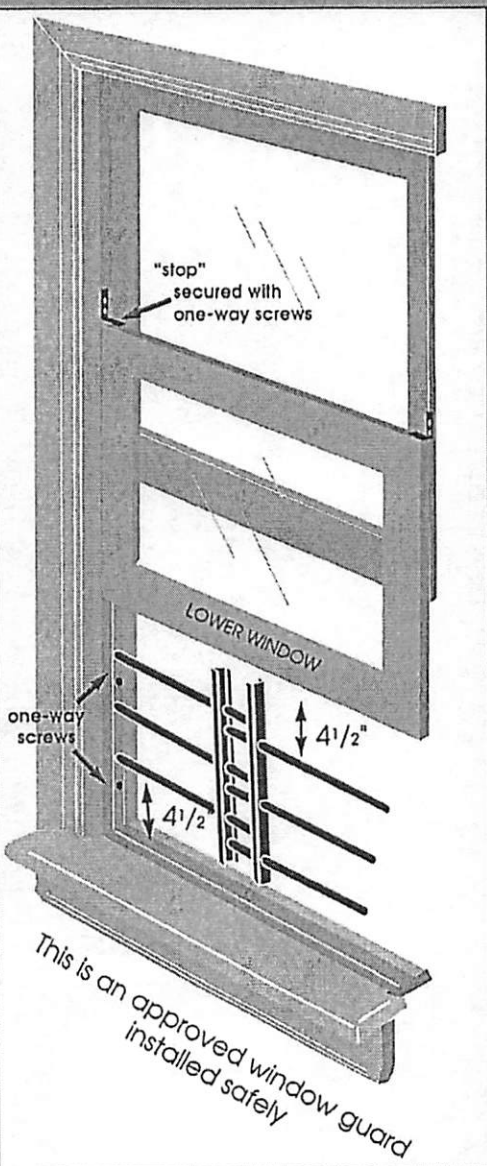
By law your landlord or management is required to install window guards. If you have a child, or request window guards for any reason, they must be installed properly.

If you do not have window guards or they are not installed properly, call 311

THE CITY OF NEW YORK
DEPT. OF HEALTH & MENTAL HYGIENE
nyc.gov/health
WF-042 (Rev. 3/04)

DANGER

This is an unsafe installation



¿Están bien instaladas las rejas de seguridad en su ventana?

LAS REJAS DE SEGURIDAD SE INSTALAN...

... de manera permanente en la parte inferior de una ventana doble, a 4 pulgadas y media o menos, por encima de la repisa (base de la ventana)

... con 4 tornillos de una sola vía (one way), y 2 soportes en forma de "L" (escuadras).

Los soportes en forma de "L" deben atornillarse a cada lado del riel superior de la ventana (con tornillos de una sola vía).

Su niño no puede caerse, si la parte de abajo de la ventana no puede subirse más de 4 pulgadas y media por encima de la barra superior de la reja de seguridad.

Esta es una reja de seguridad aprobada y bien instalada

La ley requiere que el propietario o administrador del inmueble instale rejas de seguridad. Si tiene un niño, o solicitó las rejas de seguridad por cualquier razón, éstas deben instalarlas correctamente.

Si no tiene rejas de seguridad o las que tiene no han sido instaladas correctamente, llame a 311

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Esta es una reja de seguridad mal instalada

PELIGRO



Menu



Search

Regulations

The New York City Health Code [S. 131.15] requires owners of multiple dwellings (3 apartments or more) in New York City to provide, install, and maintain window guards when a child (or children) ten years or younger lives there. Tenants with no children, or none living at home, may also request and receive window guards if they want them for any reason.

Window guards approved by the NYC Department of Health (DOH) must be properly installed according to DOH specifications in all windows, including bathroom windows, except any window providing access to fire escapes. For buildings with fire escapes above the first and ground floors, but none below, one window must be left unguarded to allow for a secondary exit from the apartment [NYC Building department rule 4.10].

Rent Stabilized or Rent Controlled Buildings

An owner of a rent stabilized or rent controlled apartment may collect a temporary surcharge from the tenant. The maximum amount of this temporary surcharge may not exceed \$10 per window guard. The tenant may choose to pay at one time, or in equal monthly installments over a one, two, or three year period. **This charge does not become a part of the base rent for the apartment.** The first monthly installment may be collected on the first day of the month following the installation, without an official order from the Division of Housing and Community Renewal (DHCR). If a tenant leaves the apartment before the total surcharge is paid in full, the tenant must pay the balance immediately. The owner may deduct the remaining unpaid portion from the tenant's security deposit. When a new tenant moves into an apartment in which window guards were installed for the previous tenant, the new tenant may not be charged for them. If the window guards have been fully paid for and the owner replaces them due to the owner's renovation or replacement of windows, a second surcharge may not be collected from that tenant or a later one.

Tenants Receiving Public Assistance

Recipients of public assistance, holders of Section 8 certificates, households receiving Senior Citizen Rent Increase exemptions (SCRIE), Supplemental Security Income (SSI), or State payments under Section 209 of the Social Service Law, will not be required to pay this charge out-of-pocket. Instead, with a two party check issued through local Income Maintenance Centers, the Human Resources Administration will reimburse owners after the tenant submits an itemized bill on the owner's stationery following the window guard installation. Recipients of SSI or Section 209 subsidies may contact their Social Services District Offices with an itemized bill from the owner following the window guard installation.

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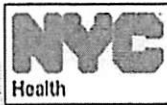
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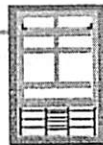
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To get window guards installed, call your
landlord or management company.

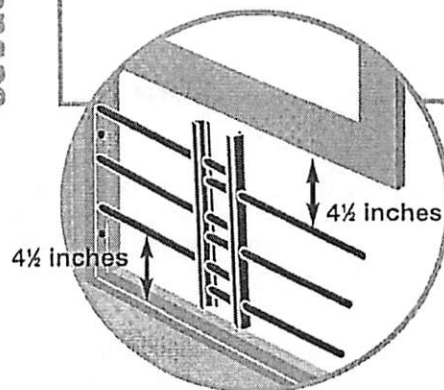
Call 311 or visit nyc.gov/health for
more information, including:

- What to do if a landlord doesn't properly install or maintain window guards
- Help with window guards and stops for sliding, casement, and other non-double-hung windows
- A copy of New York City's laws on window guards



Window Guards

They Save Lives. They're the Law.



Department of
Health & Mental
Hygiene
nyc.gov/health

Department of
Housing Preservation
& Development
nyc.gov/hpd

ACS196003E - 5.13



THE CITY OF NEW YORK
DEPARTMENT OF HEALTH
AND MENTAL HYGIENE

Michael R. Bloomberg Thomas R. Frieden, MD, MPH
Mayor Commissioner

APPENDIX A

WINDOW GUARDS REQUIRED

Lease Notice to Tenant

You are required by law to have window guards installed in all windows if a child 10 years of age or younger lives in your apartment.

Your landlord is required by law to install window guards in your apartment: if a child 10 years of age or younger lives in your apartment,

OR

if you ask him to install window guards at any time (you need not give a reason).

It is a violation of law to refuse, interfere with installation, or remove window guards where required.

CHECK ONE

- ☐ CHILDREN 10 YEARS OF AGE OR YOUNGER LIVE IN MY APARTMENT
- ☐ NO CHILDREN 10 YEARS OF AGE OR YOUNGER LIVE IN MY APARTMENT
- ☐ I WANT WINDOW GUARDS EVEN THOUGH I HAVE NO CHILDREN 10 YEARS OF AGE OR YOUNGER

Tenant (Print)

Tenant's Signature:

Date

Tenant's Address

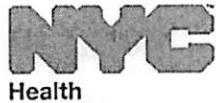
Apt No.

RETURN THIS FORM TO:

Owner/Manager

Owner/Manager's Address

For Further Information Call:
Window Falls Prevention (212) 676-2162



To: Tenant
 From: Landlord/Building Owner
 Date: / /

PROTECT YOUR CHILD FROM LEAD POISONING AND WINDOW FALLS

Annual Notice

New York City law requires that tenants living in buildings with 3 or more apartments complete this form and return it to their landlord before **February 15**, each year. If you do not return this form, your landlord is required to visit your apartment to determine if children live in your apartment.

Peeling Lead Paint

By law, your landlord is required to inspect your apartment for peeling paint and other lead paint hazards at least once a year if a child under 6 years of age (5 years or younger) lives with you.

- You must notify your landlord in writing if a child under 6 comes to live with you during the year.
- If a child under 6 lives with you, your landlord must inspect your apartment and provide you with the results of these paint inspections.
- Your landlord must use safe work practices to repair all peeling paint and other lead paint hazards.
- **Always report peeling paint to your landlord. Call 311 if your landlord does not respond.**

These requirements apply to buildings with 3 or more apartments built before 1960. They also apply to buildings built between 1960 and 1978 if the landlord knows that lead paint is present.

Window Guards

By law, your landlord is required to install window guards in all your windows if a child under 11 years of age (10 years or younger) lives with you, OR if you request them (even if no children live with you).

- It is against the law for you to interfere with installation, or remove window guards where they are required. Air conditioners in windows must be permanently installed.
- Window guards must be installed so there is no space greater than 4½ inches above or below the guard, on the side of the guard, or between the bars.
- ONLY windows that open to fire escapes, and one window in each first floor apartment when there is a fire escape on the outside of the building, are legally exempt from this requirement.

These requirements apply to all buildings with 3 or more apartments, regardless of when they were built.

Fill out and detach the bottom part of this form and return it to your landlord.

Please check all boxes that apply:

- ☐ A child under 6 years of age (5 years or younger) lives in my apartment.
- ☐ A child under 11 years of age (10 years or younger) lives in my apartment and:
- ☐ Window guards are installed in all windows as required.
 - ☐ Window guards need repair.
 - ☐ Window guards are NOT installed in all windows as required.
- ☐ No child under 11 years of age (10 years or younger) live in my apartment:
- ☐ I want window guards installed anyway.
 - ☐ I have window guards, but they need repair.

Last Name	First Name	Middle Initial
Street Address	Apt.#	City State Zip Code
Signature	Date	Telephone Number

Deadline for return: February 15, 2017

Return form to: Name and address of landlord or managing agent. Call 311 for more information on preventing lead poisoning and window falls.

Approved 10/20/2016